

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13056 of 2005

Between:

1. D.Sai Reddy, S/o.Late D.Chandra Reddy,
R/o.Ameerpet, Hyderabad.
2. D.Janga Reddy, s/o.Late D.Chandra Reddy,
R/o.Ameerpet, Hyderabad.
3. D.Ram Reddy, S/o.Late D.Chandra Reddy,
R/o.Ameerpet, Hyderabad.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep.by its Principal Secretary, Revenue

Department, Secretariat Buildings, Hyderabad.

2. The Vice Chairman, H.U.D.A., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus to declare the action of the respondent in not passing any orders upon my representation under section 48 of Land Acquisition Act, 1894 seeking withdrawal of acquisition proceedings even while considering the claims of others covered by the same 4(1) Notification as illegal, arbitrary and violative of Article 14 of Constitution of India and consequently direct the respondents to consider out case on par with others who were granted exemption u/section 48 of the land Acquisition Act, 1894 and to pass such other order or orders as this Hon'ble court may deems fit and proper.

Counsel for the Petitioner: Mr. Nyayapathi Prashanth & MR.A.M.RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: Mr. B. Viswanadha Reddy

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioners and the learned Government Pleader.

This writ petition is filed aggrieved by the inaction of the respondents in not disposing of their representation dated 03-09-2004 to withdraw the acquisition of certain extent of land situated in survey Nos. 42, 43 and 44 of Ameerpet village and Mandal, Hyderabad. The government has issued notification under Section 4 (1) of the Land Acquisition Act to acquire the lands of the petitioners and some others for the purpose of establishment of District Commercial Complex. The land acquisition proceedings have attained its finality i.e., award was passed on 01-02-1997 in Award Enquiry No. 1 of 1997 and when some of the land owners approached the government for withdrawal of acquisition of their land from the land acquisition proceedings, the Government has considered and passed appropriate orders, which is evident at paragraph No.9 of the award dated 01-02-1997. Similarly, petitioners have also filed representation dated 03-09-2004 seeking exemption of acquisition of their lands. The representation of the petitioner is stated to be pending before the concerned official and therefore the petitioners are constrained to file the writ petition for the relief sought hereinabove.

On the other hand, learned Government Pleader, on instructions, submits that a portion of the land of the petitioners was acquired by the Government for the purpose of establishment of District Commercial Complex, that the representation of the petitioners to withdraw the acquisition of their extent of land is pending consideration before the Municipal Administration. The respondents have considered the request of similarly situated persons and passed appropriate orders exempting the land from the acquisition as shown in the award No. 1 of 1997.

In the facts and circumstances of the case, to meet the ends of justice, the respondents are directed to consider and dispose of the representation dated 03-09-2004 of the petitioners and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order, in accordance with law. The writ petition is, accordingly, disposed of. No costs.

ELIPE DHARMA RAO,J

Dt. 20-06-2005

Pvks/*

To

1. The Principal Secretary, the Government of Andhra Pradesh, Revenue

Department, Secretariat Buildings, Hyderabad.

2. The Vice Chairman, H.U.D.A., Hyderabad.

3. 2 CCs., to the Government Pleader for Revenue, A.P. High Court Buildings,
Hyderabad (OUT).

4. 2 CD copies

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